

7:00 p.m. Study Session:

- Surplus Ambulance
- Water Tap – Tipp Cowlesville Lot
- Lightner Road Intervening User Agreement

Agenda

Tipp City City Council

7:30 p.m. Monday, October 5, 2009

Tipp City Government Center

260 South Garber Drive

Tipp City, Ohio 45371

	Agenda Item	Presenter
1.	Call to Order - Roll Call	President Hale
2.	Prayer for Guidance, Pledge of Allegiance	Pastor Brian Brown, Ginghamsburg United Methodist Church
3.	Motion to Approve the Agenda	President Hale
4.	Minutes of the September 21, 2009 Pre-Meeting Study Session Minutes of the September 21, 2009 Meeting	President Hale
5.	Presentations, Proclamations, & Awards	Mayor Evans
6.	Legislation	
	Ordinances (second reading) A. Ordinance No. __-09: An ordinance to amend the zoning code and the map attached thereto by changing the zoning of +/-5 .0 acres (all of Inlot 2349) located at 425 Kerr Road, from R-1 (Residential) to OS (Office Service) zoning classification. <i>(Sponsored by President Hale)</i> <u>Summary:</u> The Planning Board recommended approval of this rezoning change. The applicant is proposing to construct an office building for his electrical engineering consulting firm. B. Ordinance No. __-09: An ordinance amending Chapter 50.19 and 51.16 of the Codified Ordinances to incorporate changes to the Water Rules and Regulations to include Sewer Rules. <i>(Sponsored by Mrs. Gillis)</i> <u>Summary:</u> Council reviewed these changes at their August 17, 2009 study session.	Mr. Crusey

	<p>Resolutions (<i>one reading required</i>)</p> <p>A. Resolution No. __-09: A resolution authorizing and ratifying a contract with Springmeade Health Center establishing emergency ambulance fee for service.</p> <p><u>Summary:</u> This resolution authorizes the City Manager to enter into a contract</p> <p>B. Resolution No. __-09: A resolution authorizing the City Manager to file an application and enter into an agreement with the Ohio Department of Transportation for the purpose of acquiring funds from the safe, accountable, flexible and efficient Transportation Equity Act for the I-75 Exit #69 Southbound Ramps Project.</p> <p><u>Summary:</u> This resolution authorizes the City Manager to apply for funding and, if the grant is approved, sign all required documents for the execution of this grant.</p>	Mr. Crusey
	<p>Ordinances (<i>first reading</i>)</p> <p>A. Ordinance No. __-09: An ordinance supplementing the appropriations in Ordinance 48-08.</p> <p><u>Summary:</u> This ordinance authorizes an increase of appropriations for various funds of the City to supplement the 2009 fiscal year budget in the total amount of \$454,000.</p> <p>B. Ordinance No. __-09: An ordinance reducing the appropriations in Ordinance 48-08.</p> <p><u>Summary:</u> This ordinance authorizes the necessary reduction in appropriations of \$2,787,574.</p> <p>C. Ordinance No. __-09: An ordinance accepting the waterline improvements as completed by the contractor for Shoop Road.</p> <p><u>Summary:</u> All work has been satisfactorily completed on the waterline improvements made on Shoop Road to the eastern property line of 7025 S. County Road 25A.</p> <p>D. Ordinance No. __-09: An ordinance accepting the waterline improvements as completed by the contractor for Cornerstone Drive.</p> <p><u>Summary:</u> This is the waterline extension off the NAWA transmission main near the Montgomery/Miami County line that currently provides water service to HD Supply.</p> <p>E. Ordinance No. __-09: An ordinance authorizing the City Manager to purchase a +/- 3.410 acre lot being all of Inlot #3738 on Success Circle for a proposed water tower.</p> <p><u>Summary:</u> This ordinance authorizes the City Manager to purchase Inlot #3738 for ninety-nine thousand dollars (\$99,000.00) for placement of a water tower.</p>	Mr. Crusey

7.	Motions	President Hale
8.	Miscellaneous	President Hale
9.	Citizen Comments on Items Not on the Agenda	
10.	Comments of Councilmembers/City Manager	
11.	Adjournment	President Hale

Council welcomes the comments and input of the public during the Council meetings. In order to provide an orderly fashion in which all interested parties have an opportunity to address Council, Council has adopted the following procedure for citizen's comments during any portion of the Council meeting or Public Hearing.

Any citizen who wishes to address Council must first seek recognition from the President of Council. Upon recognition by the President, the speaker should approach the podium, state their name and make their comments. Speakers should not leave the podium to approach Councilmembers without first obtaining permission. After completion of their comments, Council would request that the speakers return to their seat so that any other interested persons could then be recognized and address Council.

The purpose of this procedure is to afford the maximum opportunity for citizen input without any type of disruption of the Council proceedings. While others are addressing Council from the podium, Council requests that audience members not make comments to Council or to individuals at the podium to prevent any potential confusion or disruption.

AGENDA INFORMATION

ORDINANCES – Second Reading

- A. **Rezoning of Inlot 2349 at 425 Kerr Road** – This ordinance would rezone Inlot 2349 located at 425 Kerr Road from R-1 (Residential) to OS (Office Service). The purpose of the rezoning is for the construction of a commercial office building on this +/- 5 acre site for an electrical engineering consulting firm. The Planning Board reviewed this request at its August 11, 2009 meeting and recommended approval.
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- B. **Water Rules & Regulations** – This ordinance amends the Code of Ordinances to reference the updated Water and Sewer Department General Rules and Regulations, which will be adopted by Administrative Order. These updates were reviewed with Council at your August 17, 2009 study session. The updated rules and regulations replace the Rules and Regulations Governing the Water Department that were adopted by the Board of Public Affairs in 1965.

RESOLUTIONS

- A. **Springmeade Contract** – The adoption of this resolution authorizes the City Manager to enter into an agreement with Springmeade for EMS services. Amended House Bill 1 mandates that skilled nursing home facilities provide custom medical transportation along with other services to Medicaid residents. The cost of ambulance transportation for Medicaid residents was removed from the state budget and

shifted to the nursing home facilities. Therefore, a contract for EMS services must be in place if a fee is to be charged by the City.

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- B. **MVRPC/ODOT Safety Funding Application For Exit 69** – This resolution authorizes the City Manager to submit an application to the Miami Valley Regional Planning Commission for the “local match” portion of the Ohio Department of Transportation’s project to reconstruct the I-75 southbound ramps at Exit 69. City Council previously adopted Resolution 34-09 authorizing preliminary legislation in support of this project. The ODOT Safety Committee has approved this project for funding. The estimated cost of the project is \$4,000,000 with 80% being funded with ODOT Safety Funds, 10% from ODOT District 7 and a 10% local match. The City’s local match would be an 80/20 split with MVRPC with a \$320,000 grant from MVRPC and \$80,000 from the City’s Electric Fund. In addition to reconstructing the southbound ramps the project will also include a new traffic signal for the southbound ramps and the interconnection of the northbound and southbound ramps traffic signals with the City’s traffic control computer system. The project is tentatively scheduled for construction in 2012, subject to the timing of the availability of funding from MVRPC..

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ORDINANCES – First Reading

- A. **Supplemental Appropriations** – This ordinance would increase 2009 appropriations by \$454,000 in the following funds:
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| +\$58,600 | <u>General Fund</u> – These funds are necessary to cover larger than expected income tax refunds to corporations. The downturn in the economy has resulted in lower corporate profits which have resulted in higher income tax refunds since corporations pay estimated taxes based upon the previous year’s return. |
| +385,400 | <u>Clean Ohio Grant Fund</u> – These funds were originally appropriated in the Water Fund for the purchase of the Senseman property, however, the grant administrator has informed the City that these funds must be segregated in a separate fund. Appropriations in the Water Fund are being equally reduced via the ensuing reduction in appropriations ordinance. |
| +10,000 | <u>Contractor Maintenance Fund</u> – Due to an increase in contractor’s submitting cash surety in lieu of bonds, additional appropriations in the fund are necessary. |
- B. **Reduction in Appropriations** – This ordinance would reduce 2009 appropriations by \$2,787,574 in the following funds:
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| -\$2,174 | <u>FEMA Grant Fund</u> – The City received less revenue than anticipated related to FEMA’s reimbursement for clean-up costs related to the September 2008 wind storm. |
| -\$385,400 | <u>Water Fund</u> – Clean Ohio grant funds for the purchase of the Senseman property were originally appropriated in the Water Fund, however, the grant administrator has informed the City that these funds must be segregated in a separate fund. The |

preceding supplemental appropriation ordinance will appropriate these funds to a Clean Ohio Grant Fund.

-\$2,400,000 Water Tower Construction Fund – Bids for the construction of the new 1.0 million gallon water tower are tentatively scheduled to be opened December 18, 2009. Therefore, a contract for this project will not be awarded until 2010. These funds will be re-appropriated as part of the 2010 budget.

- C. **Shoop Road Waterline** – This ordinance accepts the Shoop Road waterline public improvements. City Council, at its July 13, 2009 meeting, authorized the City Manager to enter into an Annexation and Service Agreement and a Waterline Construction Agreement for 7025 S. CR 25-A. The project involved the extension of a 12-inch waterline along Shoop Road to the easternmost property line of the subject property. The waterline has been constructed, inspected and approved by the City. Acceptable surety in the form of a 10% cash bond has been filed with the City for any necessary repairs during the one year maintenance period.
- D. **Cornerstone Drive Waterline** – This ordinance accepts the Cornerstone Drive waterline public improvements. City Council, at its November 5, 2007 meeting, adopted Resolution 37-07 authorizing the City Manger to enter into a construction agreement with JM Grench for the installation of a 12-inch watermain on Cornerstone Drive in unincorporated Monroe Township. The waterline has been constructed, inspected and approved by the City. Acceptable surety in the form of a 10% maintenance bond has been filed with the City for any necessary repairs during the one year maintenance period.
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- E. **Purchase of Water Tower Property** – This ordinance authorizes the City Manager to purchase a +/- 3.410 acre lot, inlot #3738, on Success Circle for the construction of a new 1.0 million gallon water tower. Council, at its July 13th meeting, authorized the City Manager via motion to enter into a Contract to Purchase Real Estate with Logan-Berry Properties, LLC for \$99,000, which is below the \$142,350 appraised value of this property. At a future meeting City Council will be requested to authorize the City Manager to execute IRS Form 8263 affirming the “donation” of the difference between the appraised value and the purchase price of property. The closing on this property will be completed by December 31, 2009.